State of Arizona House of Representatives Forty-fifth Legislature First Regular Session 2001

CHAPTER 345

HOUSE BILL 2208

AN ACT

AMENDING SECTION 8-514.03, ARIZONA REVISED STATUTES; AMENDING TITLE 8, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 12; AMENDING SECTIONS 46-142, 46-342.01 AND 46-345, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF TITLE 8, CHAPTER 12, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO SOCIAL ASSISTANCE PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-514.03, Arizona Revised Statutes, is amended to read:

8-514.03. Kinship foster care; requirements; investigation

- A. The department shall establish kinship foster care services for a child who has been removed from the child's home and is in the custody of the department. The program shall promote the placement of the child with the child's relative for kinship foster care.
- B. A kinship foster care parent applicant who is not a licensed foster care parent shall be at least eighteen years of age. The applicant and each member of the applicant's household who is at least eighteen years of age shall submit a full set of fingerprints to the department for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The department shall determine if the applicant is able to meet the child's health and safety needs by conducting one or more home visits and interviewing the applicant. The department of economic security may interview other household members, review the applicant's personal and professional references and conduct child protective services central registry checks.
- C. If the department determines that a kinship foster care placement is not in the best interest of the child, the department shall provide written notification to the applicant within fifteen business days. The notice shall include the specific reason for denial, the applicant's right to appeal and the process for reviewing the decision.
- D. A kinship foster care parent may be eligible to receive the following financial services for the child:
- 1. Full foster care benefits, including payment if the kinship foster care parent becomes a licensed foster care home.
- 2. Temporary assistance for needy families cash assistance payments for a child only case and supplemental financial support.
- E. IF THE KINSHIP FOSTER CARE PARENT IS A GRANDPARENT OF THE CHILD; THE DEPARTMENT SHALL USE MONIES APPROPRIATED FOR THE PURPOSE OF THIS SUBSECTION TO PAY TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE PAYMENTS TO THE GRANDPARENT IN ADDITION TO THOSE RECEIVED PURSUANT TO SUBSECTION DOF THIS SECTION. THE AMOUNT OF THE PAYMENT PER CHILD SHALL BE NO GREATER THAK TWO HUNDRED FIFTY DOLLARS EACH MONTH INCLUDING ANY TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE PAYMENT RECEIVED PURSUANT TO SUBSECTION DOF THIS SECTION.
- F. The department shall establish procedures for child welfare workers to inform kinship foster care families about available financial and nonfinancial services and eligibility requirements and shall assist the families in completing the necessary application.

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- f. G. If a family declines to apply for financial services, the family shall sign a statement indicating that the family declined services. The statement does not prevent the family from making application in the future. The worker shall provide a copy of the statement to the family.
- G. H. The department shall provide nonfinancial services for a kinship foster care parent through existing means or referral. Nonfinancial services may include:
 - 1. Family assessment.
 - 2. Case management.
 - 3. Child day care.
 - 4. Housing search and relocation.
- Parenting skills training.
 - 6. Supportive intervention and guidance counseling.
 - 7. Transportation.
 - 8. Emergency services.
 - 9. Parent aid services.
 - Respite services.
- 11. Additional services that the department determines are necessary to meet the needs of the child and family.
- Sec. 2. Title 8, Arizona Revised Statutes, is amended by adding chapter 12, to read:

CHAPTER 12

OUT-OF-SCHOOL PROGRAMS

ARTICLE 1. GENERAL PROVISIONS

8-1101. <u>Definitions</u>

- IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:
- 1. "DEPARTMENT" MEANS THE DEPARTMENT OF ECONOMIC SECURITY.
- 2. "INDIVIDUAL DEVELOPMENT ACCOUNT" MEANS AN ACCOUNT ESTABLISHED PURSUANT TO SECTION 46-300.03.
- 3. "OUT-OF-SCHOOL PROGRAM" MEANS A PROGRAM THAT OFFERS ACTIVITIES FOR YOUTHS AFTER SCHOOL HOURS AND DURING PERIODS WHEN SCHOOLS ARE NOT IN SESSION.
- 4. "PROGRAM" MEANS AN OUT-OF-SCHOOL PROGRAM ESTABLISHED AND OPERATED PURSUANT TO A CONTRACT WITH THE DEPARTMENT PURSUANT TO SECTION 8-1102.
- 5. "PROVIDER" MEANS A PERSON WHO CONTRACTS WITH THE DEPARTMENT TO ESTABLISH AND OPERATE A PROGRAM PURSUANT TO SECTION 8-1102 AND INCLUDES FAITH-BASED ORGANIZATIONS.
- 6. "YOUTH" MEANS A CHILD WHO IS AT LEAST ELEVEN YEARS OF AGE AND UNDER SEVENTEEN YEARS OF AGE.

8-1102. Out-of-school programs

A. THE DEPARTMENT SHALL CONTRACT WITH PROVIDERS TO ESTABLISH AND OPERATE OUT-OF-SCHOOL PROGRAMS FOR YOUTHS THROUGHOUT THIS STATE THAT ARE OFFERED TO THE YOUTHS FREE OF CHARGE OR FOR A MINIMAL COST. AT LEAST ONE PROGRAM SHALL BE IN A RURAL COMMUNITY, AND AT LEAST ONE PROGRAM SHALL BE IN AN URBAN COMMUNITY.

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- B. THE DEPARTMENT SHALL GIVE PRIORITY FOR CONTRACTING FOR PROGRAMS IN COMMUNITIES THAT HAVE HIGH RATES OF TEEN PREGNANCY, VIOLENCE AND DELINQUENCY AND IN WHICH A HIGH PERCENTAGE OF THE SCHOOL CHILDREN RECEIVE FREE OR REDUCED PRICE LUNCHES.
- C. THE DEPARTMENT SHALL REQUIRE THAT ALL PROVIDER PROPOSALS FOR CONTRACTS INCLUDE:
- 1. A BASIS FOR DETERMINING WHETHER THE PROGRAM ACTIVITIES ARE INNOVATIVE AND INCORPORATE BEST PRACTICES.
 - 2. A PLAN TO MAKE THE PROGRAM SELF-SUSTAINING WITHIN THREE YEARS.
- D. ALL CONTRACTS WITH PROVIDERS TERMINATE FROM AND AFTER JUNE 30, 2004 UNLESS A CONTRACT PROVIDES FOR AN EARLIER TERMINATION DATE.
 - 8-1103. Collaboration with community; sibling programs
- A. IN DEVELOPING AND OPERATING A PROGRAM, THE PROVIDER SHALL COLLABORATE WITH SCHOOLS, LOCAL BUSINESSES, CHILD CARE PROGRAMS, PUBLIC AND PRIVATE AGENCIES, PARENTS AND OTHER CONCERNED CITIZENS TO MAXIMIZE THE IMPACT OF THE PROGRAM.
- B. THE PROVIDER SHALL WORK WITH THE PROGRAMS PURSUANT TO SUBSECTION A TO IDENTIFY YOUTHS WHO HAVE RECEIVED A NEGATIVE PREGNANCY TEST OR WHO HAVE SIBLINGS WHO ARE EITHER PREGNANT OR PARENTING YOUTHS. THE PROVIDER SHALL CONDUCT OUTREACH ACTIVITIES TO ANY YOUTHS WHO ARE IDENTIFIED THROUGH THIS PROCESS.
- C. THE PROVIDER SHALL COORDINATE WITH OTHER AGENCIES THAT SERVE YOUNGER CHILDREN TO PROVIDE ACTIVITIES FOR SIBLINGS OF YOUTHS WHO PARTICIPATE IN A PROGRAM.
 - 8-1104. Program requirements; transportation; incentives
 - A. A PROGRAM SHALL:
 - 1. PROVIDE A DIVERSE CHOICE OF ACTIVITIES THAT MAY INCLUDE:
- (a) TUTORING AND SUPPLEMENTING INSTRUCTION IN BASIC SKILLS SUCH AS READING. MATHEMATICS AND SCIENCE.
 - (b) YOUTH LEADERSHIP ACTIVITIES.
 - (c) VOLUNTEER AND COMMUNITY SERVICE OPPORTUNITIES.
 - (d) POSTSECONDARY EDUCATION AWARENESS AND PREPARATION.
 - (e) HOMEWORK ASSISTANCE.
 - (f) COURSES AND ENRICHMENT IN THE ARTS AND CULTURE.
 - (g) COMPUTER INSTRUCTION.
 - (h) EMPLOYMENT PREPARATION AND TRAINING.
 - (i) ACTIVITIES LINKED TO LAW ENFORCEMENT.
 - (j) SUPERVISED RECREATION AND ATHLETIC PROGRAMS AND EVENTS.
 - (k) DRUG AND VIOLENCE PREVENTION CURRICULA AND COUNSELING.
 - (1) MENTORING.
- 41 (M) LANGUAGE INSTRUCTION, INCLUDING ENGLISH AS A SECOND LANGUAGE.
 - (n) VOCATION AWARENESS AND PREPARATION.
 - (6) CHARACTER EDUCATION PROGRAMS AS DEFINED IN SECTION 15-154.01.
- 2. FOCUS ON BUILDING THE STRENGTHS OF INDIVIDUAL YOUTHS AND COMMUNITIES.

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- 3. USE YOUTHS AS A RESOURCE TO STRENGTHEN AND BUILD COMMUNITIES.
- 4. PROVIDE NUTRITIOUS SNACKS.
- 5. BE CULTURALLY APPROPRIATE.
- B. A PROVIDER SHALL PROVIDE TRANSPORTATION BETWEEN THE PROGRAM SITE AND A YOUTH'S HOME OR SCHOOL.
- C. A PROGRAM MAY PROVIDE A YOUTH WITH AN INDIVIDUAL DEVELOPMENT ACCOUNT OR NONMONETARY INCENTIVES TO PARTICIPATE IN THE PROGRAM.
 - 8-1105. Program supervision; training; group size
- A. A PROGRAM SHALL BE PROVIDED IN A STRUCTURED, SAFE AND SUPERVISED ENVIRONMENT.
- B. A PROVIDER SHALL PROVIDE ADEQUATE TRAINING TO ALL STAFF AND VOLUNTEERS WHO SUPERVISE PROGRAM ACTIVITIES.
- C. A PROVIDER SHALL NOT PROVIDE PROGRAM ACTIVITIES TO GROUPS LARGER THAN THIRTY YOUTHS. AN ADULT PROGRAM STAFF MEMBER OR TRAINED ADULT VOLUNTEER SHALL NOT SUPERVISE MORE THAN THIRTEEN YOUTHS IN ANY PROGRAM ACTIVITY.
- D. A PROVIDER MAY ALLOW A YOUTH TO WORK UNDER ADULT SUPERVISION WITH YOUNGER CHILDREN PARTICIPATING IN THE PROGRAM. A YOUTH WORKING PURSUANT TO THIS SUBSECTION IS NOT AN ADULT SUPERVISOR OR A YOUTH FOR THE PURPOSE OF MEETING THE SUPERVISION REQUIREMENTS PRESCRIBED IN SUBSECTION C.
 - 8-1106. Evaluation of programs; report
- A. THE DEPARTMENT SHALL CONTRACT WITH A PERSON TO ANNUALLY EVALUATE THE PROGRAMS.
- B. THE EVALUATOR SHALL WORK WITH THE PROVIDERS TO DEVELOP MEASUREMENT INSTRUMENTS AND COLLECT INFORMATION ABOUT YOUTHS PARTICIPATING IN THE PROGRAMS CONCERNING ALL OF THE FOLLOWING:
 - 1. IMPROVEMENT IN ATTITUDES TOWARD SEXUAL RESTRAINT.
 - 2. IMPROVED DECISION MAKING AND RESILIENCY SKILLS.
 - 3. IMPROVED OR SUSTAINED SCHOOL ATTENDANCE.
 - 4. IMPROVED SCHOOL RETENTION RATES.
- C. THE EVALUATOR SHALL WORK WITH MEMBERS OF THE COMMUNITY TO DEVELOP MEASUREMENT INSTRUMENTS AND COLLECT INFORMATION CONCERNING REDUCTION IN ALL OF THE FOLLOWING:
 - TEEN PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AMONG TEENS.
 - 2. TEEN SUBSTANCE ABUSE AND USE.
 - 3. DELINQUENT ACTIVITY.
 - 4. TEEN VIOLENCE.
- D. THE EVALUATOR SHALL SUBMIT A REPORT OF ITS FINDINGS TO THE BECHANGE OF THE
 - Sec. 3. Section 46-142, Arizona Revised Statutes, is amended to read: 46-142. Wheels to work program
- A. The department shall contract with a private entity to establish the A STATEWIDE wheels to work program. in two locations in Maricopa county, one location in Pima county and one location each in three other counties. The program may be expanded statewide one year after establishment of the locations designated in this subsection.

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- B. The private entity shall determine whether to accept OR PROVIDE the vehicle based on the needs of the program and any budgetary constraints. The private entity shall only accept OR PROVIDE driveable vehicles. The private entity shall not accept vehicles for parts or scrap. The private entity shall assume the title on acceptance of a donation THE VEHICLE OR AS PRESCRIBED IN SUBSECTION D OF THIS SECTION.
- C. After donation of IF the vehicle IS DONATED, the donor is not liable for any damage, repair, emissions compliance, vehicle insurance or determination of vehicle safety.
 - D. A PRIVATE ENTITY MAY PURCHASE A VEHICLE FOR USE IN THE PROGRAM.
- E. IF THE PRIVATE ENTITY PURCHASES THE VEHICLE, THE PRIVATE ENTITY IS LIABLE FOR ANY DAMAGE, REPAIR, EMISSIONS COMPLIANCE OR VEHICLE INSURANCE. THE PRIVATE ENTITY SHALL BE RESPONSIBLE FOR THE SAFETY OF THE VEHICLE. IF THE PRIVATE ENTITY PURCHASES A VEHICLE, THE PRIVATE ENTITY SHALL ACCEPT THE TITLE AND RELEASE THE SELLER FROM LIABILITY FOR ANY DAMAGE, REPAIR, EMISSIONS COMPLIANCE, VEHICLE INSURANCE OR DETERMINATION OF VEHICLE SAFETY.
- F. THE PRIVATE ENTITY IS NOT ENTITLED TO A TAX CREDIT PURSUANT TO SECTIONS 43-1090.01 OR 43-1177.
- D. G. The private entity may accept donations of repairs to the vehicles A VEHICLE for the first twelve SIX months of the use of the vehicle.
- Donated Vehicles shall be available for a six month lease for twenty dollars a month to qualified recipients of temporary assistance for needy families, former recipients within the last two years or parents who have a household income at or below one hundred fifty per cent of the federal poverty level, who have a verifiable job for which the vehicle is essential transportation, WHO RESIDE IN THIS STATE, who possess a valid Arizona driver license and who are insurable. The department shall give priority to current and former recipients of temporary assistance for needy families. department shall certify to the private entity that the wheels to work applicant is a qualified individual, THAT ALL OTHER METHODS OF ASSISTING WITH PUBLIC OR PRIVATE TRANSPORTATION WERE EXPLORED AND THAT THE DEPARTMENT HAS TRANSPORTATION DETERMINED THAT NO OTHER METHOD 0F ASSISTANCE FEASIBLE. After six months, the qualified individual shall provide insurance for the vehicle and continue paying the twenty dollars a month for an additional six months. During this twelve THE SIX month period, the private entity shall provide all necessary repairs to the vehicle and ensure emissions compliance, except that the qualified individual is responsible for normal vehicle maintenance. The qualified individual shall receive the title to the vehicle after completing AT THE END OF the twelve SIX month lease, PROVIDED THE QUALIFIED INDIVIDUAL HAS COMPLIED WITH THE TERMS OF THE LEASE.
- f. I. If the QUALIFIED individual stops employment, THE QUALIFIED INDIVIDUAL SHALL HAVE up to a thirty day period shall be granted for reemployment or the vehicle shall be returned TO BECOME REEMPLOYED OR THE

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QUALIFIED INDIVIDUAL SHALL RETURN THE VEHICLE in accordance with the agreement LEASE.

- G. J. If the QUALIFIED individual is convicted of any felony, a class 1 misdemeanor or driving under the influence of alcohol or drugs in violation of title 28, chapter 4, article 3, the vehicle shall be returned in accordance with the agreement LEASE.
- K. IF THE QUALIFIED INDIVIDUAL DOES NOT MAINTAIN RESIDENCY IN THIS STATE, THE QUALIFIED INDIVIDUAL SHALL RETURN THE VEHICLE IN ACCORDANCE WITH THE LEASE.
- Sec. 4. Section 46-342.01, Arizona Revised Statutes, is amended to read:

46-342.01. <u>Contract provisions; performance based incentives;</u> cost savings

- A. In establishing performance based incentives pursuant to section 46-342, subsection C, the Arizona works agency procurement board may include:
- 1. An incentive from administrative savings achieved beyond the ten per cent savings in administrative costs required by section 46-342, subsection D, paragraph 8.
- 2. An incentive of not more than twenty-five per cent of the caseload reduction savings, if any, realized by the Arizona works agency, as determined by the joint legislative budget committee pursuant to subsection B of this section.
- B. FROM AND AFTER DECEMBER 31, 2001, THE AUDITOR GENERAL SHALL CONDUCT AN ANNUAL AUDIT OF THE ARIZONA WORKS PROGRAM. THE AUDITOR GENERAL SHALL PROVIDE ANNUAL AUDIT REPORTS TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE JOINT LEGISLATIVE BUDGET COMMITTEE ON OR BEFORE DECEMBER 31 AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.
- 8. C. On or before February 15 of each year, the joint legislative budget committee shall determine the cash benefit dollar amount savings attributable to caseload reduction, if any, achieved for the previous calendar year by Arizona works.
- C. D. The Arizona works AGENCY procurement board may award incentives from savings achieved pursuant to subsection A of this section to the Arizona works agency for satisfactory performance in meeting criteria as determined by the board, including:
 - 1. Placement of participants in paid employment.
 - 2. Participants' salaries and benefits in paid employment.
- 40 3. The number of participants in paid employment ninety days after placement.
 - 4. Work participation rates.
 - 5. Caseload reduction sayings.
 - D. E. The Arizona works agency may use any savings in administrative expenses above the ten per cent required by law or reduction of caseload,

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 including any incentives derived from these savings, as awarded by the procurement board pursuant to section 46-342, subsection C and this section, to enhance services provided to persons eligible for the Arizona works program and to pay contractor incentives in accordance with the terms of the contract.

- Sec. 5. Section 46-345, Arizona Revised Statutes, is amended to read: 46-345. Evaluation; independent entity
- A. At the end of the fourth year of the pilot program, an independent evaluator selected within twelve months after the effective date of this amendment to this section BY AUGUST 21, 1999 by the Arizona works AGENCY procurement board shall conduct and complete a performance review of the pilot program that includes the following data:
- 1. Has WHETHER the outside vendor HAS met the requirements of the contract.
- 2. Has WHETHER the OUTSIDE vendor HAS met the goals of the Arizona works program.
- 3. Has WHETHER the OUTSIDE vendor HAS met the requirements of the performance bond.
 - 4. The fiscal impact of Arizona works implementation.
- 5. Client survey data designed, issued and collected by the evaluator measuring client satisfaction with the program.
- 6. The impact of Arizona works on the placement of recipients in paid employment, caseload reduction, development of community partnerships, placement of individuals who were previously exempt under the job opportunities and basic skills program before August, 1996, placement of individuals with higher than average lengths of stay on the program, and compliance with federal work participation rates.
- 7. A comparison of the Arizona works program with the department of economic security empower redesign program with regard to the data listed in subsection A, paragraphs 4, 5 and 6 and similar data gathered by the department of economic security, THE AUDITOR GENERAL and the joint legislative budget committee, including information required in Laws 1997, chapter 300, section 76 FOR ANY ANNUAL REPORT RELATING TO WELFARE REFORM IMPLEMENTATION.
- B. The report shall be submitted to the president of the senate, the speaker of the house of representatives, the joint legislative budget committee, the Arizona works AGENCY procurement board and the governor by January 1, 2003.
 - Sec. 6. Delayed repeal
- Title 8, chapter 12, Arizona Revised Statutes, as added by this act, is repealed from and after December 31, 2004.
 - Sec. 7. Appropriations: purpose: exemption
- A. The sum of \$500,000 is appropriated from the temporary assistance for needy families block grant in each of the fiscal years 2001-2002 and

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2002-2003-to-the department of economic security for the purposes prescribed in section 8 514.03, Arizona-Revised Statutes, as amended by this act.

- B. The sum of \$4,000,000 is appropriated from the temporary assistance for needy families block grant monies in fiscal year 2001-2002 to the department of economic security for the purposes prescribed in title 8, chapter 12, Arizona Revised Statutes, as added by this act. The department shall not use more than three per cent of these monies to pay the costs of administering this act. These administrative costs include the costs for evaluation that are incurred pursuant to section 8-1106, Arizona Revised Statutes, as added by this act.
- C. The sum of \$212,000 is appropriated from the state general fund and the sum of \$398,000 is appropriated from the temporary assistance for needy families block grant in fiscal year 2001-2002 to the department of economic security for distribution to the Hopi Tribe for the start-up and operational costs of the Hopi office of child support and for the Hopi temporary assistance for needy families program.
- D. The appropriation made in subsection B of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations, except that all monies remaining unencumbered or unexpended on June 30, 2004 revert to the temporary assistance for needy families block grant.
- E. The appropriations made in subsection C of this section are available for use for both of the fiscal years 2001-2002 and 2002-2003 and future years' federal funding shall come directly from the Hopi Tribe.

Sec. 8. Effective date

Section 46-142, Arizona Revised Statutes, as amended by this act, is effective from and after June 30, 2001.

APPROVED BY THE COVERNOR MAY 7, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2001.

Passed the House March 15, 2001,	Passed the Senate April 27, 2001,
by the following vote:5/_Ayes,	by the following vote: Ayes,
O Nays, 9 Not Voting	Nays, Not Voting
John Hake	Kanlas Just
Speaker of the House Pro Tempore	President of the Senate
Chief Clerk of the House	Secretary of the Senate
	ARTMENT OF ARIZONA OF GOVERNOR
This Bill was recei	ved by the Governor this
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Governor of Arizona	EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF SECRETARY OF STATE
• •	This Bill was received by the Secretary of State this day of, 20
H.B. 2208	Market Stranger
	ato'clockM.
	Secretary of State

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE by the following vote: __ __ Not Voting **EXECUTIVE DEPARTMENT OF ARIZONA** OFFICE OF GOVERNOR This Bill was received by the Governor this o'clock day of Approved this

EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

H.B. 2208

at 4:55 o'clock M.

**Tursey Flayers

Sccretary of State